IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLN.NO.3607 OF 2007
IN
CRIMINAL APPEAL NO. OF 2007

The State of Maharashtra ..Applicant
Vs.
Manohar Kashinath Kandesar
and 3 ors. ..Respondents

...

Mr.A.S.Shitole, APP for Applicant-State

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CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : NOVEMBER 22, 2007

P.C.

1. Heard the learned APP for the Applicant-State.

2. The Applicant-State has preferred this application for leave to file appeal against the judgment and order of acquittal dated 13.8.2007 passed by the learned Additional Sessions Judge, Sangli in Sessions Case No. 1 of 2006. By the said judgment and order, the learned Sessions Judge acquitted all the Respondents of the offences under Section 498-A r.w. 34 of IPC and Section 306 of IPC.

3. It is the prosecution case that as the illegal demands of cash and gold ornaments was not met, the Respondents harassed and treated Maya with cruelty,

on account of which, she committed suicide. P.W.6 Sadashiv Jadhav who is father of Maya and P.W.7 Sanjay Jadhav who is brother of Maya have stated about the demand and they also stated that they met Maya in hospital and Maya informed them that she attempted to commit suicide on account of harassment meted out to her. Besides this, the learned APP has pointed out that P.W.1 Indubai and P.W.2 Hanmant have also supported the prosecution case. Thus, it appears to be the prosecution case that Maya committed suicide on account of cruelty meted out to her by the Respondents. However, it is seen that evidence of Dr.Y.P.Cheda and evidence of Manik K.Shinde, ASI of Miraj City Police Station shows that when Maya was taken to the hospital, she gave a dying declaration and in the dying declaration she has stated that she sustained accidental burns. Looking to the evidence of Dr.Cheda, ASI Shinde and the other material on record, the learned Sessions Judge has acquitted the Respondents of the offences charged.

4. I have perused the judgment and order passed by the learned Sessions Judge as well as the evidence of the witnesses in the said case which has been produced by the learned APP. After going through

the same, I find that the view taken by the learned Sessions Judge is a reasonable and possible view.

5. It is well settled that if the view of acquittal could have been reasonably arrived at then the mere circumstance that the appellate Court would have taken a different view, would be no ground to interfere. In this connection, there is no dearth of authorities but to eschew prolixity, I am referring to only two of them i.e. **AIR 1971 S.C. 66 Khedu Mohton and Ors. Vs. State of Bihar and C. Anthony Vs. K.G.Raghavan Nair (2003) 1 SCC 1.** In the case of **C.Anthony**, the Supreme Court has observed that unless the findings of the trial Court are perverse or contrary to the material on record, the High Court cannot in appeal substitute its findings, merely because another contrary opinion was possible on the basis of material on record. As stated earlier, the view taken by the learned Sessions Judge is a reasonable and possible view, hence, no interference is called for.

6. In this view of the matter, application for leave to appeal is rejected. Consequently, the appeal stands dismissed.

[SMT. V.K.TAHILRAMANI, J.]